UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,345	07/07/2003	Jack I. J'maev	JJ-036-US	8700

54556 7590 12/28/2007

INTELLECTUAL PROPERTY DEVELOPMENT
JACK IVAN J'MAEV
14175 TELEPHONE AVE.
SUITE L
CHINO, CA 91710

EXAMINER	
FISHER, MICHAEL J	

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,345	J'MAEV, JACK I.	
	Examiner	Art Unit	
	Michael J. Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 40-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop in view of US PAT 6,611,755 to Coffee et al. (Coffee).

As to claims 40,45,52, Bishop discloses sending recall notice signals to multiple groups of targets comprising storing a product identifier in each of the receivers (col 16, lines 16-19), transmitting a recall notice to multiple groups of products (model, col 16, line 15-20), sensing the recall notice (col 16, lines 16-19), selectively responding to the recall notice only if the notice includes a product identifier (model or VIN, as discussed). There would be a "group" of receivers in the "group" of vehicles as Bishop does not teach only one vehicle but a plurality.

Bishop does not, however, teach sending and receiving signals only during time slots.

Coffee teaches a system for fleet management (title) in which signals are transmitted to vehicles via a wireless network (fig 1) during a series of time slots (abstract, lines 17-22). The receivers would inherently not respond if the signal is not in the time slot.

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time-slot transmission as taught by Coffee as Coffee teaches this as a good way to send information to mobile assets.

As to claim 41, Bishop teaches storing in memory that a recall signal notice has been received (col 16, lines 42-45).

As to claim 42, Bishop does not teach storing the date in memory. Bishop does, however, teach storing the data in order to resolve disputes (col 16, lines 42-44). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop and modified by Coffee to store the date when the signal was received in order to better resolve a dispute. For instance, a sender could claim that the signal was sent out on a particular date while the vehicle owner could claim that it was received later. Saving the date would resolve that dispute.

As to claim 43, Coffee further discloses periodic time slots (fig 9).

As to claims 44,46,47, the time slots would inherently be selected.

As to claims 48,49 and 50, choosing which time slots for which vehicles would be a matter of obvious design choice and therefore, would not be patentably distinct.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop.

As to claim 51, Bishop discloses a system for disseminating a recall notice to a product comprising a system for receiving a product recall notice from third party (inherent in that, as discussed above, Bishop does receive such notices from the manufacturer to disseminate), and a product identifier (as discussed above), a transmitter for wirelessly conveying the notice to a product (as discussed above), a product notice receiver disposed in the product wherein the receiver receives the notice when the notice matches an identifier in the product (the signal goes to those for which it is intended, as discussed above.)

Bishop does not, however, teach a server for receiving the notices. It would have been obvious to use a server attached to the Internet to receive the notices from third party as the Internet is a well known device for transmitting information.

Response to Arguments

Applicant's arguments filed 10/09/07 have been fully considered but they are not persuasive. As to arguments that the examiner has not replied to applicant's assertion of "commercial success", the examiner has repeatedly replied to this assertion, as in the previous Office Action, the examiner wrote, "Once again, the examiner does not dispute that the instant invention is useful or wanted, but that it is not novel." As the prior art discloses the instant invention, it would appear that others are well aware of the

commercial opportunities presented by this service. The "problem of battery life" is not claimed in the claims, as previously stated and further, as previously stated, intended use would not make the instant invention patentably distinct. Unless applicant contends that his invention is that turning off electronic products saves battery life, something that is old and well known. As to applicant's assertion that Coffee discloses "no broadcasting means" and no "means in Coffee for broadcasting to a group of receivers", applicant is directed to figures 1 and 3 in Coffee. The purpose of the time slots in the prior art does not need to be the same as in the instant invention to meet the limitations as claimed. The examiner stated that he will not respond to the same arguments over and over, not that he will not consider them. As applicant has, repeatedly and in numerous, related cases, stated that Bishop can only trigger relays, however, as repeatedly stated by the examiner, Bishop discloses messages sent to the occupant. How is this different from the instant invention? If the arguments were persuasive, they would further show that the instant invention merely "triggers relays". As repeatedly stated, Bishop discloses sending information (col 1, lines 65-66). The rejections will not be withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher

Patent Examiner
GAU 3629

MF
12/26/07